

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicants would like to thank the Examiner for the indication that claims 13-18, 20, 21 and 23-25 are allowed.

In the Official Action, the Examiner objects to claim 13 because the recitation of "an imaging system" on line 2 thereof makes it unclear as to how many imaging systems are being used. In response, claim 13 has been amended to change the second occurrence of "an imaging system" to --the imaging system--. Accordingly, it is respectfully requested that the objection to claim 13 be withdrawn.

In the Official Action, the Examiner rejects claims 1-12, 19 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. JP 2001-082941 to Tsuneo (hereinafter "Tsuneo") in view of U.S. Patent No. 4,923,155 to Dainis et al., (hereinafter "Dainis").

In response, Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 103(a) for at least the reasons set forth below.

In the Official Action, the Examiner argues that Tsuneo discloses a supporting member having a surface formed by three-dimensionally arranged planes and admits that Tsuneo does not teach a second form wherein a calibration pattern can be selectively set. To correct such a deficiency in Tsuneo, the Examiner cites Dainis and argues that the same teaches changing the calibration structures to a second form for transportation and storage purposes. In this regard, the Examiner argues that it "would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsuneo with Dainis by having the calibration pattern system selective set to a second form by folding and/or disassembling

the components of the system in order to provide convenient transportation and/or storage purposes of the system."

Applicants respectfully disagree and submit that the Examiner has used impermissible hindsight in combining the Tsuneo and Dainis references.

In a calibration unit where planes are three-dimensionally combined, it cannot be considered that changing the form of a unit is obvious. This is because, a calibration pattern which is formed on a planar surface consisting of two or three planes orthogonal to each other needs to have its three-dimensional position accurately known to determine the inside and outside parameters of a camera (support for this argument is provided at page 24, right column, lines 31-38, titled, "Investigation of Technical Equipment in Computer Stereo Vision: Camera Calibration Techniques," by P. Serafinavicius, a copy of which is enclosed).

Therefore, a calibration unit is generally configured to be rigid, and deforming the unit is not planned at all in the first place. Accordingly, the objective of the present application, i.e., to provide a calibration unit which has excellent carrying, portability, and storage properties, is not disclosed or suggested in the references, and the structural configuration recited in claims 1 and 22 to achieve such an objective is also not disclosed or suggested in the references.

Thus, the Examiner could have only been using hindsight gleaned from the present application to combine Tsuneo with the teachings of Dainis, particularly since Dainis discloses a different structure from the calibration pattern units recited in claims 1 and 22.

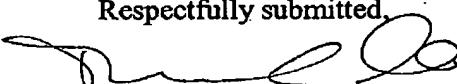
Applicants respectfully submit that the Examiner has used impermissible hindsight to reject claims 1-12, 19 and 22 under 35 U.S.C. 103(a). The Federal Circuit in *In*

*re Rouffet*¹ stated that virtually all inventions are combinations of old elements. Therefore an Examiner may often find every element of a claimed invention in the prior art. To prevent the use of hindsight based on the invention to defeat patentability of the invention, the Examiner is required to show a motivation to combine the references that create the case of obviousness. Applicants respectfully submit that the Examiner has not adequately met this burden.

Therefore, the Applicants respectfully submit that the rejection for obviousness under 35 U.S.C. § 103(a) lacks the requisite motivation and must be withdrawn.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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¹ 47 USPQ2d 1457-58 (Fed. Cir., July 15, 1998)